

FILED ELECTRONICALLY

PATENT APPLICATION

Docket: 16687.33

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:		)
		)
	Michael J. Cima, et al.	)
		)
Serial No.:	10/694,639	) Art Unit
		) 1744
Filed:	October 27, 2003	)
		)
Conf. No.:	6317	)
		)
For:	RAISED SURFACE ASSAY PLATE	)
		)
Examiner:	William H. Beisner	)
		)
Customer No.:	022913	)

TERMINAL DISCLAIMER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Owner, TransForm Pharmaceuticals, Inc., having a 100% interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **prior patent** No. U.S. 6,908,760 and any patent granted on **reference application** No. 10/556,996 as the term is defined in 35 U.S.C. § 154 and 173, and as the term of said **prior patent** or any patent granted on **reference application** are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** or

any patent granted on **reference application** are commonly owned. This Agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.


In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and 173 of any patent granted on said **reference application**, "as the term of any patent granted on said **reference application** may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference application**, "in the event that: any such patent: granted on the pending **reference application**: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED this 30<sup>th</sup> day of March 2007.

Respectfully submitted,

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